

Application No. 10/776,649
Second Supplemental Preliminary Amendment Dated July 22, 2005

Remarks

Applicants have cancelled claims 1-4 and 7-20, without prejudice, and have added claims 105 to 366 to more particularly point out and distinctly claim the subject matter that they wish to prosecute in this application. Applicants expressly reserve the right to pursue the subject matter of the canceled claims in one or more applications that claim priority under 35 U.S.C. § 120 from this application. Upon entry of the amendments, claims to 105 to 366 will be pending.

Claims 105-178, 257-334 and 359-366 related to stably transfected mammalian host cells for cell culture expression of a human anti-CTLA-4 monoclonal antibody. Claims 179-256 and 335-358 related to methods for production of such an antibody in cell culture.

The claims presented here refer to antibodies that are similar to the antibodies referred to in the allowed claims in applicants' co-pending United States application 10/612,497 ("the '497 application"). For example, claims 105 and 142 resemble claims 127 and 164 in the '497 application except that the present claims refer to the heavy and light chain variable region as the FR1 through FR4 region and are host cell line claims instead of methods. Claims 114, 122, 130 and 150 also are similar to claims 127 and 164 except that the antibody in the present claims competes with a deposited antibody. In addition, claims 122, 130, and 150 further describe both the heavy and light chain of the competing human monoclonal antibody. Claim 159 in the present application is similar to claims 148 and 157 in the '497 application and claim 168 of the present application is similar to claim 172 of the '497 application.

Support for the claims is found throughout the application. Specifically, support for claims 105, 114, 122, 130 and 142 and 150 may be found, for example, on page 48, line 31

Application No. 10/776,649
Second Supplemental Preliminary Amendment Dated July 22, 2005

through page 50, line 5 and on page 15, lines 20-25 of the specification, as filed. Support for antibodies that inhibit human CTLA-4 binding to human B7-1 and B7-2 may be found, for example, on page 52, lines 7-10 of the specification, as filed. Support for the use of a glutamine synthetase expression system may be found, for example, on page 49, line 29 to page 50, line 1, page 67, lines 29-31 of the specification, and in Example 3, as filed. Support for host cells, including mammalian host cells and specifically CHO and NSO cells may be found, for example, on page 49, lines 16-21 of the specification. Support for antibody light chains that utilize a human A27 V_K gene may be found, for example, on page 69 in Table II of the specification, and in Figure 4. Support for the use of polynucleotides encoding the heavy and light chains to express the antibody may be found, for example, on page 1, lines 17-21 and at page 48, line 31 to page 49, line 3. Support for the selectivity recited in claim 168 may be found, for example, on page 15, lines 16-25 of the specification. Support for 90% and 95 % sequence identity may be found, for example, on pages 23 and 28 of the application, as filed. Support for heavy chain utilization of a human DP-50 V_H gene may be found, for example on page 60 and in Table II. Support for expression of human anti-CTLA-4 monoclonal antibodies in host cells may be found, for example on pages 48-50.

Written Assurance of Deposit

Applicants hereby provide written assurance that an acceptable deposit of hybridoma 4.1.1, which is referenced in the claims and identified in the present application will be made before payment of any issue fee and under conditions that satisfy the United States Patent and Trademark Office and the patent laws.

Application No. 10/776,649
Second Supplemental Preliminary Amendment Dated July 22, 2005

None of the amendments adds new matter. Applicants request entry of the claims, consideration of the application and early allowance of the pending claims. Applicants invite the Examiner to telephone the undersigned at any time if a telephone conference would help resolve any issues.

Respectfully submitted,

Jane T. Gunnison

Jane T. Gunnison (Reg. No. 38,479)

Attorney for Applicants

c/o FISH & NEAVE IP GROUP

ROPES & GRAY LLP

Customer No. 1473

1251 Avenue of the Americas

New York, New York 10020-1105

Tel.: (212) 596-9000

Fax.: (212) 596-9090